



*Our mission is to provide the highest level of safety, and to protect public health and the environment from toxic harm.*

Fact Sheet, January 2009

## Toxics in Packaging Information for Purchasers of Packaging

### Introduction

The Department of Toxic Substances Control (DTSC) prepared this fact sheet for purchasers of packaging and packaging components to describe the laws and requirements intended to reduce and eliminate heavy metals in packaging and packaging components. This new approach addresses the pollution problem at the source rather than regulating a material when it becomes a waste. This fact sheet will introduce you to the requirements and outline exemptions in the law and the required reporting. You should consult the actual statutes to be sure that you are in compliance.

DTSC is charged with enforcing the requirements of the law that are found in the [Health and Safety Code, sections 25214.11-26](#)), also known as the Toxics in Packaging Prevention Act.

*As a purchaser, you have specific responsibilities* to ensure that the packaging and packaging components you use in packaging your products conform to California law. This fact sheet is a brief introduction to the Toxics in Packaging Prevention Act, and how it applies to you.

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### Packaging and Packaging Components

Beginning on January 1, 2006, it became illegal to produce, sell, or promote packaging or packaging components that contain cadmium, lead, mercury, or hexavalent chromium, if these metals were intentionally introduced during manufacture or distribution. In addition this law limits the incidental presence of these regulated metals to not more than 100 parts per million (ppm) by weight. The law also sets out various exemptions from these requirements.

### Some definitions:

A *package* means any container, produced either domestically or in a foreign country, providing a means of marketing, protecting, or handling a product. "Package" also includes unsealed receptacles, including carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs.

A *packaging component* means any individual assembled part of a package that is produced either domestically or in a foreign country, including, but not necessarily limited to, any interior or exterior





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blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks, labels, dyes, pigments, adhesives, stabilizers, or any other additives.

**Packaging** includes packages and packaging components.

**Intentional introduction** means the act of deliberately utilizing a regulated metal in the formation of a package or packaging component where its continued presence is desired in the final package or packaging component to provide a specific characteristic, appearance, or quality.

**Incidental presence** means the presence of a regulated metal as an unintended or undesired ingredient of a package or packaging component.

Manufacturers are required to provide certificates of compliance to the purchaser of the packaging or packaging component stating that the package or packaging component is in compliance with the requirements of this law. Health & Safety Code Section 25214.16 sets out the required contents for this certificate.

As a purchaser of packaging or packaging components, if your supplier does not automatically provide you with Certificates of Compliance for those items you purchase from them, then you must request them.

You are required to retain Certificates of Compliance for each package or packaging component while it is being used by your company. DTSC may request these from purchasers at any time, in order to show that the packaging or packaging component used by a purchaser is in compliance with the law. If we request these from you, then you must provide them to us.

### **Additional Information**

For more information about Toxics in Packaging, please visit our website at:

<http://www.dtsc.ca.gov/ToxicsInPackaging/>

Our site includes a more general fact sheet, specific information for Manufacturers, Suppliers, and Purchasers, and links to other sites. We also maintain an email list (ListServ) that you may sign up for, so that anyone may receive updates from DTSC regarding Toxics in Packaging.

If you have questions, you can reach us by:

Email: [tipinfo@dtsc.ca.gov](mailto:tipinfo@dtsc.ca.gov)

If you would like more information on toxics in packaging, including other states that have these laws, please visit the Toxics in Packaging Clearinghouse. California is a member state. Their phone number is (802) 254-8911, and their website is at <http://www.toxicsinpackaging.org>.

